

Lauren Moyer, Esq.  
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Attorneys for Fay Servicing, LLC as Servicer for  
Wilmington Trust, National Association, not in its  
individual capacity, but solely as trustee of MFRA Trust  
2015-1  
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

IN RE:

Genaro Herrera,

Debtor

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: CASE NO.: 21-19470-CMG

:

: CHAPTER: 13

:

: HON. JUDGE.:

: Christine M. Gravelle

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: HEARING DATE:

: March 15<sup>th</sup>, 2023 at 10:00 am

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**NOTICE OF OBJECTION TO CONFIRMATION OF MODIFIED PLAN**

**PLEASE TAKE NOTICE** that Fay Servicing, LLC as Servicer for Wilmington Trust, National Association, not in its individual capacity, but solely as trustee of MFRA Trust 2015-1 (“Secured Creditor”), the holder of a mortgage on real property of the Debtor, located at 119-121 South Hampden Court, Pleasantville, NJ 08232 by and through its undersigned attorneys, hereby objects to the confirmation of the Chapter 13 Plan on grounds including:

1. Secured Creditor does not necessarily object to the Debtor’s proposed sale of the property as the proposed plan indicates, rather Secured Creditor objects to confirmation unless a consent order is entered giving stay relief should the property not be sold within an appropriate time frame that the Secured Creditor agrees to. Furthermore, Debtor’s

proposed plan fails to provide any supporting information or documentation regarding the sale, retaining a broker, listing agreement, etc. If there is no equity in the property, Secured Creditor requests that regular, monthly mortgage payments be made pending the sale, and that Secured Creditor must be able to review all short sale offers. If there is in fact equity in the property, Secured Creditor objects to any order unless the loan is paid in full based off a payoff provided at closing.

2. Debtor's proposed plan fails to comply with other applicable provisions of Title 11.

In the event any portion of the claim is deemed to be an unsecured claim as defined by the Code, objection is hereby made pursuant to 11 U.S.C. 1325(a)(4) and 1325(b), et seq. unless the plan provides for full payment of the claim.

Dated: February 10th, 2023  
Garden City NY

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By: /s/ Lauren Moyer  
Lauren Moyer, Esq.  
FRIEDMAN VARTOLO LLP  
Attorneys for Fay Servicing, LLC  
as Servicer for Wilmington Trust,  
National Association, not in its  
individual capacity, but solely as  
trustee of MFRA Trust 2015-1  
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

Case No.: \_\_\_\_\_

Chapter: \_\_\_\_\_

Adv. No.: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Hon. Judge: \_\_\_\_\_

**CERTIFICATION OF SERVICE**

1. I, \_\_\_\_\_ :

☐ represent \_\_\_\_\_ in the this matter.

☐ am the secretary/paralegal for \_\_\_\_\_, who represents  
\_\_\_\_\_ in the this matter.

☐ am the \_\_\_\_\_ in the this case and am representing myself.

2. On \_\_\_\_\_, I sent a copy of the following pleadings and/or documents  
to the parties listed in the chart below.

3. I certify under penalty of perjury that the above documents were sent using the mode of service  
indicated.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)